

AGENDA
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JANUARY 24, 2000
Immediately Following Director's Meeting
CONFERENCE ROOM 113

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting - January 10, 2000.
- *2. Minutes from Director's Meeting of January 10, 2000.
- *3. Pre-Council Meeting Minutes - RE: Union negotiations-Executive Session - January 10, 2000.
- 4. Pre-Council Meeting Minutes - RE: Models for New Branch Libraries-Information - January 10, 2000.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

- *1. Public Building Commission (Camp/Seng)
- *2. Multicultural Advisory Committee (McRoy)
- *3. StarTran Task Force Meeting (McRoy/Seng)
- *4. Concert/Entertainment Task Force Meeting (McRoy)
- *5. Community Health Partners Meeting (Report Optional)(Seng)
- *6. Parks & Rec. Advisory Board Meeting (Shoecraft)
- *7. Building Parking Committee (Camp)
- 8. DEC Board Meeting (Fortenberry)
- 9. Internal Liquor Committee (Johnson/McRoy/Shoecraft)
- **CANCELLED**
- 10. EMS Task Force Meeting (Johnson)
- 11. Lincoln Action Program Meeting (McRoy)
- 12. Small PRT Meeting (McRoy)
- 13. Homeless Coalition Meeting (Shoecraft)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

- 1. Memo from Jennifer Brinkman - RE: Boards and

Commission Appointments (See Memo).

IV. MEETINGS/INVITATIONS

1. You are cordially invited to attend the Annual Meeting of the Lincoln Young Men's Christian Association on Thursday, February 3, 2000 on the eleventh floor in the Galaxy Room of the NBC Center for the election of new officers and board members, and to celebrate the accomplishments of the Association. Social hour will begin at 5:00 p.m. with the Annual Meeting at 5:30 p.m. RSVP to 434-9205 by January 28, 2000 (See Invitation).
2. Invitation from Doug Ahlberg, L/L County Emergency Management - On Friday, January 28th, a tabletop exercise will be conducted in Lincoln as a part of the Domestic Preparedness program. This exercise will be held at Penterman Armory on the Air National Guard base near the Lincoln Municipal Airport. The exercise will begin at 8:15 a.m. and will last for approximately 6 hours - (441-7441) (See Letter of Invitation).

V. COUNCIL MEMBERS

VI. REQUESTS OF COUNCIL FROM MAYOR - NONE

VII. MISCELLANEOUS

1. Discussion with Vince Mejer on various sites for the Tow Lot (Requested by Coleen Seng).
2. Discussion on the letter from Ann Seacrest regarding Animal Control (Requested by Coleen Seng)(See Attached Letter).

VIII. ADJOURNMENT

***HELD OVER FROM JANUARY 17, 2000.**

MINUTES
City Council Members "Noon" Meeting
Monday, January 24, 2000
Conference Room 113

Council Members Present: Coleen Seng, Chair; Jeff Fortenberry, Vice-Chair; Jon Camp, Jonathan Cook, Annette McRoy, Jerry Shoecraft; **Absent:** Cindy Johnson.

Others Present: Ann Harrell, Mayor's Office; Dana Roper, Joel Pedersen, City Attorney's Office; Don Herz, Steve Hubka, Finance; Vince Mejer, Purchasing; Capt. Jim Peschong, LPD; Steve Opfer, Public Works; Nichole Fleck-Tooze, Planning; Polly McMullen, DLA; Joan Ray, City Council Secretary; and Chris Hain, *Lincoln Journal Star* Representative.

I. MINUTES

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Ms. Seng, Council Chair, requested a motion to approve the above-listed minutes. Annette McRoy moved approval of the minutes, as presented. Jeff Fortenberry seconded the motion, which carried by the following vote: AYES: Annette McRoy, Coleen Seng, Jeff Fortenberry, Jerry Shoecraft; NAYS: None; ABSENT: Cindy Johnson; ABSENT FOR VOTE: Jonathan Cook, Jon Camp.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

*1. PUBLIC BUILDING COMMISSION (Camp/Seng) Ms. Seng reported that the Public Building Commission would be meeting for 3 hours in a Special Meeting on Thursday. One of the things worked on was an item that will be on Council's Public Agenda for next week - the appropriation of \$17,000.00 for the restroom between the County Commissioners and City Council Offices. This is something the County has already voted upon and approved.

She noted that the Public Building Commission Minutes were included in Council Packets. There is an Open House scheduled for the 26th of February. On the morning of the 25th, after a Commons Meeting, there will be a dedication held in this room [Conference Room 113] for the buildings.

Mr. Camp prompted that the Old Federal Building Study is going on. Ms. Seng stated that the study is on-going and the State is going to move several departments in there for use of offices during the Capitol Building's renovation.

Ms. Seng noted that a contract was signed with Midland Recycling. She reported that people in this building are still using heaters. She noted that it is terribly dangerous, but secretarial staff all over the building are still using the little space heaters because they are cold.

Mr. Shoecraft asked if there hadn't been a study done a few years ago on the architectural aspects of the Old Federal Building. Ms. Seng explained that the current study is a marketing study on the Old Federal Building which the DLA and the City are doing together.

*2. MULTICULTURAL ADVISORY COMMITTEE (McRoy) Ms. McRoy hadn't attended the meeting but had read the minutes.

*3. STARTRAN TASK FORCE MEETING (Seng) This was the first meeting. We'll probably be meeting once or twice a month. She noted that she had gotten the material on the shuttle route map. She stated that she would take it to the next meeting. She commented that Larry Worth did not seem to know about the map, but she noted that Mr. Camp had stated that the two men had talked about this issue.

She commented that the StarTran Task Force was looking at the situation over the entire City and not just the downtown needs. Part of the problem is whether we continue to operate on the hub concept from the downtown area, or whether the routes are re-designed.

Mr. Fortenberry had a concern that the industry is self-policing. He felt there was an inherent conflict of interest here when you have an industry setting its own standard as to minimal ridership that is necessary to call for a route. He felt this was not right. He thought that the community should take a look at that and say 'no'. He noted that a certain sum of money might be going to provide a route that is very, very marginal, compared to other things that we could be doing with that money to help the public. There is some number that the industry comes up with, which is an industry standard that says what number has to be met in order to justify a route. Mr. Fortenberry asked if that number might not be suspect.

Ms. Seng noted that StarTran did not say a single word at the meeting; this was all committee discussion. Mr. Fortenberry commented that the industrial standard is currently the way that we're determining ridership levels to justify routes and he did not believe that it was right. Ms. Seng commented that the Task Force had not reached that point yet.

Mr. Camp asked if there should not be a standard. Mr. Fortenberry stated that his concern was who should be setting that standard. Ms. Seng noted that the City should be setting the standard. Mr. Fortenberry agreed with this, instead of just using an industry wide-standard. He commented about StarTran's cutting of the special route funding. He thought the City had other, higher, better uses of those resources instead of having them spent on buses. He felt in order to make a fair assessment of which routes to justify, that minimal ridership number is increased. Ms. Seng noted again that the Task Force is not near that point in discussion yet, though they would be addressing those concerns.

Mr. Shoecraft noted that if it's up to the citizens, if even one person needs a bus in a neighborhood, there should be a route. They also want it to South Lincoln; to 10:00 o'clock at night - with no increase in budget. Ms. Seng noted that she wondered why a single car, or taxi service, couldn't be made available for such situations. Mr. Fortenberry thought a subsidy of such a program would be an alternative that should be considered. He also noted that Mr. Camp's downtown shuttle plan was a good one and is fairly well utilized. The outer routes are the ones causing concern.

Ms. McRoy stated that she liked the idea of moving the hub from downtown on the route design.

*4. CONCERT/ENTERTAINMENT TASK FORCE MEETING (McRoy) Ms. McRoy reported that this meeting went well. They will be meeting every 2-1/2 weeks. There were about 30 people in attendance. The next meeting will be held February 2nd.

Pershing Auditorium reported about the over-view of bringing concerts to Lincoln, including other venues. There are many things in Lincoln's criteria that must be met. We'll do the best we can with what we've got.

Mr. Shoecraft commented that he had talked with Doug Kuhnel's son [Doug Kuhnel, Executive Director of Pershing Auditorium] who stated that he was disappointed on the Council's vote on Pinewood Bowl. His point was how can we expect Pershing to bring in concerts to Lincoln, Nebraska in a 7,000 seat arena. It's impossible.

*5. COMMUNITY HEALTH PARTNERS MEETING (Report Optional)(Seng) Ms. Seng reported that the Community Health Partners were coming close to having a charter. Eventually it will come. Part of the question is how do the City agencies hook in without having every single city agency paying like the private sector is scheduled to pay. This is a big question mark.

*6. PARKS & REC. ADVISORY BOARD MEETING (Shoecraft) **No Report**

*7. BUILDING PARKING COMMITTEE (Camp) Mr. Camp reported that they spent a lot of time going through individual requests and moving people around between the different lots, but they were going ahead with getting the tags sent out. There is no charge as yet. They're checking into some constitutional laws concerning the statement charges. He reported that he had also brought up the shuttle vehicles for discussion.

8. DEC BOARD MEETING (Fortenberry) Mr. Fortenberry did not attend due to scheduling conflict. They did elect officers, but he was not in line for election to any board post.

9. INTERNAL LIQUOR COMMITTEE (Johnson/McRoy/Shoecraft) - **Cancelled**

10. EMS TASK FORCE MEETING (Johnson) **Absent**

11. LINCOLN ACTION PROGRAM MEETING (McRoy) **No Report**

12. SMALL PRT MEETING (Shoecraft)- Report Optional - **No Report**

13. HOMELESS COALITION MEETING (Shoecraft) - **No Report**

OTHER MEETINGS

Ms. Seng reported on two other meetings. The Keno Prevention and Human Needs Assessment. She commented that the HumanNeeds Assessment is trying to hook together what the City/County/United Way will be doing with the Hanna-Keelan Report; how it all fits together and what our priorities will be. The group is leaning toward the nine priority groups that Council has seen. She commented that they are discussing staffing each one of those.

The Keno Prevention group had \$136,000 in requests for \$35-45,000 to deal with. All the funds have been allocated out; then it will go to the Joint Budget Committee for approval before it comes to the County and City Public Agendas for final approval.

III APPOINTMENTS/REAPPOINTMENTS - Noted without Comment (Including Addendum)

1 Memo from Jennifer Brinkman - RE: Boards and Commission Appointments (Board of Zoning Appeals - Linda Wibbels Reappointment to a term to expire 02/01/05).

ADDENDUM

1. Appointment of Meredith DeCory (Replacing Kenée Fox) to the Commission on Human Rights - Term to expire December 31, 2001

IV. MEETINGS/INVITATIONS - Noted Without Comment

V. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

JEFF FORTENBERRY - No Further Comments

CINDY JOHNSON - Absent

ANNETTE McROY - No Further Comments

COLEEN SENG - Commented on the Memo on the next meeting scheduled for Thursday, February 17th from 4:00-7:00 p.m. in Conference Room 113 for further discussion on the Restructuring of Council. That meeting will include Bill Austin and Lynn Rex. (It was noted that the meeting must be held in a building that is supported by public tax funds) Ms. McRoy asked about taking the Council Meetings into the districts. Mr. Roper stated that the law indicates it must be in a facility supported by public tax funds. This could be in a school, or library...or out to a park for a meeting - that could be done. We could set it up on the stage at Pinewood Bowl, if you'd like.

JERRY SHOECRAFT - Mr. Shoecraft brought up the discussion he had with Staff concerning the City going through the RFP process for the tow contract to allow other people the opportunity to be involved. This was because of what we went through in '93-'94 when Lincolnland had the contract for 20-plus years and no one else was able to be a part of it. Then, Mr. Shoecraft noted, Mr. Mejer brought up a good point about the contract having the option to renew. If the contract had just been a contract that ended at the four year period, and there was no language in there for the option to renew, Mr. Shoecraft would have felt that the process should go through RFP. However, since the contract does have the option to renew, Mr. Shoecraft noted that he was rethinking the fact of necessity of RFP; and also reconsidering what effect this would have on other contracts. He felt the Police Department was probably satisfied with the performance of Phantom, Inc.

Ms. McRoy asked what the contract is worth. Mr. Mejer commented that the City does not audit the books of the contractor. They pay the City \$12,000.00 per year [sic] to lease the land. [The contractor pays \$48,000 per year in four \$12,000.00 quarterly payments - per City Treasurer] There are no tax dollars going into it other than when we construct the land. The \$12,000 they give us on a quarterly basis

goes back into the General Fund where the money for the construction came from. The same thing will happen with the new contract under whatever lease arrangements are made. Parking tickets are collected for the City and that money is turned over to the City. The auction proceeds, after expenses such as storage costs, are turned over to the Police Department. What they collect when they tow a vehicle (\$58.00) is their money. Ms. McRoy asked then if the City did not know what their profit margin was. She felt that it behooves the City to know that. She felt it must be an enticing amount; and felt that information would have an effect on part of her decision on whether to keep the option, or to rebid.

Mr. Camp felt that their profit was not the City's concern - that's their business. But, he felt that when an option to renew is considered, there are generally two types. One is where all the terms are 100% set, so there is just a form to renew. In *this* case, there will be a change in the price mechanism, so the terms aren't set which puts it into the second type of renewal, which is when the renewal is mutually agreeable. He had a couple of questions on this. He asked about the dolly block, which costs the consumer more. He noted that towing is not a pleasant situation under any circumstances and he wanted the best results possible occurring for the citizens of Lincoln...and to insure that they don't have to pay more than they would need to.

Ms. Seng commented that she had always anticipated that the contract would be renewed because it was written in - this time. Then, at the end of this renewal, the process would be opened up. She felt it was essential when it is opened up that the City own the lot, so anyone would have the opportunity to come and bid on the service. She wanted to avoid the problem that had been experienced under the Lincolnland contract when they were the only company meeting the requirement of downtown proximity. She felt it was essential that the City own the lot and can control that. Something she noted that was not explained the other night is that there is a month to month renewal at this point until this issue is settled.

Mr. Shoecraft asked what the determination was on when to use the dolly. And since the building will have to be reassembled and go to different costs, he felt the lease should be more than \$12,000.00. Captain Peschong noted that anytime the contracts were allowed to add extra charges, for some reason, extra charges always seem to get tacked on to the customer's bill. This leaves us in the boat of having negotiated a contract of a certain amount....then the majority of vehicles were having their vehicles dollied at an increased price. Should they have been/or not? To avoid the possibility of unfair "extras", a flat rate would be charged for any tow, dolly or not. It is higher than the original tow charge, but would eliminate the "extra" charges that may, or may not, have been necessary.

Another concern was the quality of service received by the public under this contract. If there are problems, the citizens don't look at this as a private business, they view it as the City doing all of this to them. He stressed having good customer service under the contract. The flat rate is \$58.00. This was discussed to some extent with a final decision that the flat rate was a good compromise.

Council continued discussing the specifics of the renewal vs. RFP process. [***Council's final action on this bill was to renew with a one year extension.***]

DANA ROPER - Mr. Roper stated that he had two issues to discuss. One was settling the processing of a loan agreement between the City and its insurance coverage carrier. Mr. Roper updated the Council on this issue, noting that he will be preparing an Executive Order for the settlement. The other issue concerned the Lincoln Hospital Foundation and was discussed briefly.

ANN HARRELL - No Further Comments

VI. REQUESTS OF COUNCIL FROM MAYOR - *None*

VII. MISCELLANEOUS -

1. Discussion with Vince Mejer on various sites for the Tow Lot (Requested by Coleen Seng). Ms. Seng commented that both Cindy and Annette had requested this discussion and invited Mr. Mejer forward to make a pre-council presentation on the matter, which will be briefly outlined here.

Mr. Mejer had a map showing the various locations which had been considered for the Tow Lot development. Mr. Mejer pointed out the several locations. He noted that the first criteria had been a location close to the downtown area, preferably City-owned land in order to have low development costs. They looked to avoid corridor areas, lands that would be affected by wetland issues and, if not City land, then the least expensive land available.

Mr. Mejer stated that the first move was to contact the Public Building Commission manager, Don Killeen, requesting a list of all known City-owned sites in the downtown area; as well as any lands developers had for sale. A map was drawn up showing all the sites. They went through the sites noting those which were for sale by private citizens and the cost of these lands as well as the sites that had already been sold, and other sites that had environmental or wetland issues. Most of the area is in the floodplain or floodway area, which narrowed the available choices. Lands further out ran into the corridor and parkland concerns. Other areas were not of adequate size and one area would have a cell tower in the middle of the land, which for all intents and purposes would make the site unusable due to access and useable space problems. This last spot would also be affected due to right-of-way requirements should Sun Valley Road be relocated.

Ms. Seng asked about the location at 31st and Cornhusker which has been mentioned by several constituents. That land, Mr. Mejer pointed out was next to an industrial park, the corridor and in the 100-year floodplain as well as being in the floodway and posed wetland issues.

Ms. Seng asked for the list of the sites considered that Ms. McRoy had requested last week. Mr. Mejer indicated that they had not drawn that up at this point, but they would get a list to Council.

Ms. McRoy stated that she had investigated a site on West "O" Street, which would be the Lincolnland Lot. Mr. Mejer commented that T.O. Haas actually owned the lot and was not interested in selling it. Ms. McRoy explained that Mr. Camp had suggested that the contract be tied into the lot and get the City out of the lot business altogether. Mr. Mejer commented that originally that was the way all the City's tow contracts were. He explained that what happened was that they had been held hostage by Lincolnland Towing in that they were the only place in Lincoln that had the proximity to the downtown area. So, to avoid that situation again, the City decided to provide the lot for lease to whichever towing service bids and is granted the contract.

Ms. Harrell suggested that Mr. Mejer discuss the fence that has been proposed for the site. Mr. Mejer commented that in discussion with Planning, it was determined that a wood, dog-eared, six foot fence would be installed. Originally, chain link with plastic slats had been discussed, but in discussion with Planning, it was decided to install a wood fence.

Mr. Mejer commented that landscaping issues included DEQ concerns regarding digging on that piece of land which sits on a landfill and does have a cap. All clearances must go through DEQ whenever and wherever digging is done. Mr. Fortenberry asked about berming that might be used to help mitigate the fence appearance. Ms. Harrell noted that the development had to be respectful of the cap issues, but if it is important to Council that landscaping be included, we'll

work on landscaping. Mr. Scott Opfer of the Public Works Department noted that berming might not be possible because of the fill requirements. He noted that they are taking credit in the whole baseball project and that is part of the land that fill cannot be added to. Ms. Harrell noted that landscape architects would be involved in the project.

Ms. McRoy commented that she had wanted to tie the whole landscaping project on the baseball stadium with the tow lot - have it done as one landscaping project rather than have it done piecemeal. Reorientation of the landscaping placement was also mentioned in conjunction with the BMX track. It was noted that the State would also participate in the project when the Sun Valley Road project was done, which might alter the R-O-W allotment; it was noted, too, that there would be adequate R-O-W for landscaping.

Ms. Harrell mentioned that there were some full grown trees that would be moved from the ballpark grounds and be included in the landscaping for the area. The logistics will be worked out this Spring. Mr. Opfer noted that DEQ would not have a concern about the relocation of trees into the area, as long as the hole for the planting was filled.

Mr. Shoecraft asked if these changes would alleviate Ms. McRoy's major concerns regarding the project's impact on the neighborhood? Ms. McRoy thought she would still have concerns, but this was a compromise that was the best available to advance the project, though she would have like the information sooner. She stated that she would withdraw her motion to reconsider the location of the tow lot.

Mr. Shoecraft noted that many comments from constituents had been in the vein of letting the private sector build the tow lot at a different location. He thought, after conferences with the Mayor's Office, that it would have to be a City-owned lot because once we get through the RFP process, which will happen someday, the competitive advantage changes. Then no one will ever be able to have the advantage over all the other towing companies.

Discussion continued with the notation that Ms. McRoy's amendment to regulate traffic in the neighborhood surrounding the tow lot was a part of the contract. The landscaping issue would be taken care of. Ms. Harrell stated that the Mayor's Office would come back to Council with the plans. Mr. Fortenberry requested that some language be included to state that the beautification process is included as a part of the design. This would formalize the Council's wishes. Ms. Harrell noted that the resolution would have to be reconsidered if there were language changes. Ms. Seng noted that we would be watching this as one of Lincoln's entryways.

2. Discussion on the letter from Ann Seacrest regarding Animal Control (Requested by Coleen Seng) Ms. Seng asked if any Council Member would attend the Health Department's Animal Control Committee. After a brief discussion, Ms. McRoy indicated that she would consider taking this assignment. Ms. Seng gave her the appropriate forms.

***HELD OVER FROM JANUARY 17, 2000.**

VIII. MEETING ADJOURNED Approximately 1:10 p.m.